**DECLARATION AND POWER OF ATTORNEY - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled INTRANASAL IMMUNIZATION WITH DETOXIFIED LIPOOLIGOSACCHARIDE FROM NONTYPEABLE HAEMOPHILUS INFLUENZAE OR MORAXELLA CATARRHALIS; the specification of which was filed on **October 17, 2003** as Application Serial No. **10/688,115**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/288,695

Filing Date: 05/03/2001

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Serial No.: **PCT/US01/32331**

Filing Date: **10/16/2001**

Status: **Pending**

Through PCT/US01/32331, I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/016,020

Filing Date: 04/23/1996

Application No.: 60/071,483

Filing Date: 01/13/1998

Through PCT/US01/32331, I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

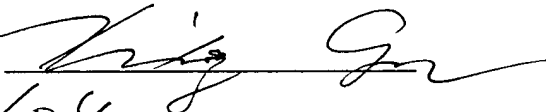
Serial No.: 09/789,017	Filing Date: 02/20/2001	Status: Issued
Serial No.: 08/842,409	Filing Date: 04/23/1997	Status: Issued
Serial No.: 09/610,034	Filing Date: 07/05/2000	Status: Issued
Serial No.: PCT/US99/00590	Filing Date: 01/12/1999	Status: Pending

POWER OF ATTORNEY: I hereby appoint the registrants of National Institutes of Health Offices of Technology Transfer, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852, telephone (301) 496-7056, **Customer No. 005318**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **Xin-Xing Gu**

Inventor's signature



Date

2/25/04

Residence: **8017 Lakenheath Way, Potomac, Maryland 20854**

Citizenship: **U.S.A.**

Post Office Address: **Potomac, Maryland**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

Direct Telephone Calls To:
Nancy W. Vensko

(805) 547-5580

NIHDECL
O:\DOCS\NWV\NWV-9890.DOC:cbm
021904

COPY DO NOT RECORD

NIH218.001C1

PATENT

ASSIGNMENT

WHEREAS, I, Xin-Xing Gu, 8017 Lakenheath Way, Potomac, MD 20854, citizen of U.S.A., employee of the Department of Health and Human Services, have invented INTRANASAL IMMUNIZATION WITH DETOXIFIED LIPOOLIGOSACCHARIDE FROM NONTYPEABLE HAEMOPHILUS INFLUENZAE OR MORAXELLA CATARRHALIS, for which I have made application for Letters Patent of the United States Serial No. 10/688,115 filed October 17, 2003, which claims the benefit of priority of International Application No. PCT/US01/32331 filed October 16, 2001, which claims the benefit of priority of U.S. Provisional Application No. 60/288,695 filed May 3, 2001;

WHEREAS, I am the applicant named in the above-identified application for Letters Patent;

WHEREAS, the conditions under which said invention was made are such as to entitle the Government under Paragraph 1(a) of Executive Order 10096 to the entire right, title, and interest herein, both domestic and foreign; and

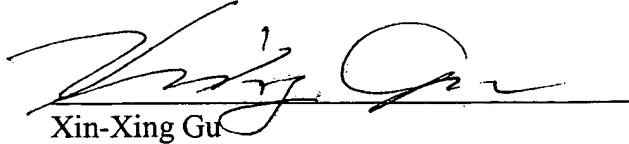
WHEREAS, the Government of the United States is desirous of acquiring all domestic and foreign right, title and interest in the above-mentioned invention described in the application for Letters Patent; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I hereby assign and transfer to the United States of America, as represented by the Secretary, Department of Health and Human Services, the full and exclusive rights in and to said invention in the U.S. and within each and every foreign country in which the Government elects to file and the entire right, title and interest in and to such applications, and any continuations, continuations-in-part, divisions, reissues or extensions thereof, and including priority rights as may be filed in the U.S. and foreign countries, and such Letters Patent as may be granted to be held by the Government to the end of the term for which the same would have been held by the inventor had this assignment not been made.

I further agree to make, execute and deliver to the Secretary, Department of Health and Human Services, upon request, any and all papers, documents, affidavits or other instruments that may be necessary in the prosecution of any application or applications for improvements or reissues of Letters Patent, and to assist the Government in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by the Government.

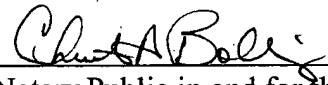
Client Code : NIH218.001C1
Serial No. : 10/688,115
Filing Date : October 17, 2003

IN WITNESS WHEREOF, I hereunto set my hand and seal this 25 day of February, 2004


Xin-Xing Gu

STATE OF MD] ss.
COUNTY OF Mont.]

On this 25 day of February, 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Xin-Xing Gu, personally known to me or proven on the basis of satisfactory evidence to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be his/her free act and deed.


Notary Public in and for the aforesaid County and State.

My Commission Expires: 2/28/08

NIHASS
O:\DOCS\NWW\NWW-9891.DOC:cbm
021904